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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nakayama et al.

Application No. 09/828,301

Filed: April 6, 2001

Confirmation No. 6580

For: APPARATUS AND METHODS FOR
MEASURING SURFACE PROFILES AND
WAVEFRONT ABERRATIONS, AND
LENS SYSTEMS COMPRISING SAME

Examiner: Kevin Pyo

Art Unit: 2878

Attorney Reference No. 4641-58305

**ATTN: REFUND SECTION, ACCOUNTING
DIVISION, OFFICE OF FINANCE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: ATTN: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF FINANCE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)

Date Mailed

Donald L. Styling
Jan 5, 2004

REQUEST FOR REFUND

The undersigned requests a refund of \$414.00 for an overpayment of a fee that accompanied the Amendment of October 3, 2003, in the above-referenced patent application.

The transmittal letter (**Exhibit A**) that accompanied the 10/3/03 Amendment incorrectly stated the number of pending claims as 86 claims (including 4 independent claims). The actual number of pending claims pending after entry of the 10/3/03 Amendment was 61 claims (including 3 independent claims). This is because, even though the highest-numbered claim in the 10/3/03 Amendment was claim 86, a number of other claims had been canceled either in that Amendment or in the first Amendment of April 16, 2003.

The subject application was filed on April 6, 2001, with 63 claims (including 6 independent claims) on which the filing fee was based. (A copy of the transmittal letter that accompanied the application when filed is attached hereto as **Exhibit B**.) Hence, since the application was filed with more claims (and more independent claims) than were left after entry of the 10/3/03 Amendment, it was unnecessary for Applicants to pay any claim-related fees with the 10/3/03 Amendment.

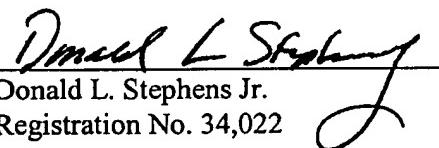
Referring back to Exhibit A, it is clear that the fee accompanying the 10/3/03
Amendment was overpaid by \$414, which should be refunded.

Please mail the refund to the undersigned attorney, or credit the refund to our Deposit
Account No. 02-4550. A copy of this document is enclosed.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Donald L. Stephens Jr.
Registration No. 34,022

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446
cc: Client
Docketing